

THE PRESIDENT: I am sorry. Thank you very much.

Delegate Willoner has an amendment which is in the process of being printed. It has not yet been printed. If you will get before you your Amendment No. 6, it is a variation of Amendment No. 6, the Chair can state it to you.

The amendment would accept the suggestion made during the earlier debate by Delegate Weidemeyer, in line 9 to strike the words "except as otherwise" and in lieu thereof to insert the words "to the extent and in the manner". It completely reverses the necessity of having action by the General Assembly. Is there any objection to considering the amendment although not printed? It is in the process of being printed now.

The Chair hears none.

This is to the unnumbered section on page 4. You will refer to your Amendment No. 6. This is adding a new section. It does not relate to any section now in the Committee Recommendation dealing with freedom of information.

As the section proposed to be included would be amended, it would read as follows: "Governmental proceedings, meetings, and records as defined by law shall be open to the people and prior notice of such proceedings or meetings shall be provided to the extent and in the manner prescribed by law."

Is there any objection to considering the amendment although it is not yet printed?

The Chair hears none.

This will be Amendment No. 12.

The Clerk will read the amendment.

READING CLERK: Amendment No. 12 to Committee Recommendations R&P-1 and R&P-2 as amended by Report No. S&D-9, by Delegates Willoner, Dukes, Macdonald, Maurer, B. Miller, Pascal, F. C. Robey, Schloeder, Schneider, Sherbow, Sickles, Singer, Sollins, Sosnowski, and Stern:

On page 4 immediately preceding line 45 of section 1.18, Reserved Rights, add the following new section:

"Section 1. —. Freedom of Information

Governmental proceedings, meetings, and records shall be open to the people to the extent and in the manner prescribed by law."

THE PRESIDENT: The amendment is presented by Delegate Willoner and seconded by the co-sponsors.

The Chair recognizes Delegate Willoner.

DELEGATE WILLONER: This is essentially the same language as we had provided by Amendment No. 4, but it makes an essential change. It no longer requires the presumption that meetings will be open. It states the principle and provides that the legislature shall provide for the principle.

The vote was so close before. It was by one vote. There are several people who wish to vote on it. I think that it is possible that if I could have held the votes, there would have been a majority for the other language.

However, I think we should try to get consensus here and this has the support of those people who have objected to this change of presumption and it does state the principle, a very important principle, but it allows it to be developed by the legislature.

THE PRESIDENT: Delegate Willoner, for clarification, may the Chair ask a question?

Is the concluding clause "to the extent and in the manner prescribed by law" intended as a modification of all that precedes it or only as the modification of the immediately preceding clause that prior notice of such proceedings or meetings shall be provided?

DELEGATE WILLONER: It is intended to modify the entire section.

THE PRESIDENT: Grammatically, it would seem not to be the case. I take it you would be content to have the Committee on Style change it?

DELEGATE WILLONER: I would. I did not want to tamper with the language because it was adjusted on the floor before. I will leave it to the Style Committee. The intent was that the extent and manner by law should apply to governmental meetings, proceedings, records, as well as the notices of those proceedings.

THE PRESIDENT: Delegate James.

DELEGATE JAMES: Mr. Chairman, this proposal worries me. It seems to me that the legality of most governmental actions might well be in the balance. We are voting on something without having it before us. For instance, in this proviso concerning notices, are the county commissioners going to have to run a notice for